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HOUSE BILL 381 By
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SENATE BILL 444
By Crutchfield

AN ACT to amend Tennessee Code Annotated, Section 8-34-603; Section 8-34-622; Section 8-34-623; Section 8-34-716; Section 8-35-105; Section 8-36-204; Section 8-36-702 and Section 8-37-309, relative to the membership of district attorneys general, district public defenders, the attorney general and reporter, the executive director of the district attorneys general conference, and the executive director of the district public defenders conference in the Tennessee Consolidated Retirement System.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-34-603(a)(3)(A)(v), is amended by deleting the subitem in its entirety and by substituting instead the following:

(v) Any state judge establishing service in Group 4 on or after September 1, 1990, which was rendered in a capacity covered by Group 4, shall receive credit in Group 4; and

(vi) Any district attorney general or district public defender, the attorney general and reporter, executive director of the district attorneys general conference, or executive director of the district public defenders conference establishing service in Group 4 on or

after July 1, 1999, which was rendered in a capacity covered by Group 4, shall receive credit in Group 4.

SECTION 2. Tennessee Code Annotated, Section 8-34-603(a)(3)(B), is amended by deleting the figures “(a)(3)(A)(ii)-(v)” and by substituting instead the figures “(a)(3)(A)(ii)-(vi)”.

SECTION 3. Tennessee Code Annotated, Section 8-34-622, is amended by deleting the section in its entirety and by substituting instead the following:

Any member in Group 4 may establish creditable service only for service rendered and contributions made as a state judge, district attorney general, district public defender, the attorney general and reporter, executive director of the district attorneys general conference, executive director of the district public defenders conference, constitutional convention member as provided by § 8-34-608 and for military service, as provided by § 8-34-605.

SECTION 4. Tennessee Code Annotated, Section 8-34-623, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection:

(b) Notwithstanding any provision of the law to the contrary, any Group 1 or 3 district attorney general, any Group 1 or 3 attorney general and reporter, any Group 1 or 3 district public defender, any Group 1 or 3 executive director of the district attorneys general conference, and any Group 1 or 3 executive director of the district public defenders conference shall be eligible to elect to transfer any service previously established as a district attorney general, a district public defender, an attorney general and reporter, an executive director of the district attorneys general conference, an executive director of the district public defenders conference, member of a constitutional convention as provided by § 8-34-608, and military service as provided by § 8-34-605, from Group 1 or 3 to Group 4 of the retirement system. It is further provided that such transfer of service shall occur upon the election by the member and the lump sum payment, if applicable, of the difference between what the member would have

contributed as a member of Group 4 and the amount of employee contributions to the member's credit on the effective date of transfer. If such election and transfer of service and applicable payment occurs within one hundred eighty (180) days of July 1, 1999, it shall be without interest. An election, transfer of service and payment occurring after one hundred eighty (180) days of July 1, 1999, shall include interest pursuant to § 8-37-214.

SECTION 5. Tennessee Code Annotated, Section 8-34-716, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection (b):

(b) Notwithstanding any provision of the law to the contrary, any district attorney general, attorney general and reporter, any district public defender, executive director of the district attorneys general conference, or executive director of the district public defenders conference who, prior to July 1, 1999, participated in Group 1 or 3 classifications of the retirement system, may elect, by completing the necessary forms, to transfer membership to Group 4 of the retirement system from and after July 1, 1999. The election to transfer membership shall become effective on the date of election.

SECTION 6. Tennessee Code Annotated, Section 8-35-105(a)(4), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(4) Group 4. State judges entering service on or after September 1, 1990, district attorneys general, an attorney general and reporter, district public defender, executive directors of the district attorneys general conference or executive director of the district public defenders conference entering service on or after July 1, 1999, and state judges, district attorneys general, an attorney general and reporter, district public defenders, executive directors of the district attorneys general conference and executive directors of the district public defenders conference who transferred membership under chapter 34, part 7.

SECTION 7. Tennessee Code Annotated, Section 8-35-105(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) Notwithstanding any provision of the law to the contrary, any person, except a state judge, district attorney general, attorney general and reporter, district public defender, executive director of the district attorneys general conference, or executive director of the district public defenders conference, becoming a member of the retirement system after June 30, 1976, shall be classified as a Group 1 member. A state judge becoming a member of the retirement system on or after September 1, 1990 and a district attorney general, attorney general and reporter, district public defender, an executive director of the district attorneys general conference, or an executive director of the district public defenders conference becoming a member of the retirement system on or after July 1, 1999, shall be classified as a Group 4 member.

SECTION 8. Tennessee Code Annotated, Section 8-36-204(b)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(b)(1) In addition to all requirements for service or early service retirement, any employee, except a Group 4 employee, becoming a member of the retirement system on or after July 1, 1979, must have a total of ten (10) years of creditable service to qualify for retirement benefits. A Group 4 member must have eight (8) years of creditable service to qualify for retirement benefits.

SECTION 9. Tennessee Code Annotated, Section 8-36-702(c), is amended by adding the following new sentence at the end of the subsection:

Upon the payment of any contributions and interest required in Section 4 of this Act, the benefit of any district attorney general, attorney general and reporter, district public defender, executive director of the district attorneys general conference, or executive director of the district public defenders conference who retires prior to July 1, 1999 as a Group 1 or Group 3 member shall be recalculated under the provisions of this Act.

SECTION 10. Tennessee Code Annotated, Section 8-37-309, is amended by deleting the first sentence in its entirety and by substituting instead the following:

The board of trustees shall annually certify to the general assembly the amount of normal contributions, accumulated liability contribution and cost of living contribution required from the employer to meet the provisions of this chapter for state judges and attorneys general participating in Groups 1, 3 and 4 of the consolidated retirement system.

SECTION 11. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

SECTION 12. This act shall take effect on July 1, 2001, the public welfare requiring it.